

REMARKS

In this response, claims 1-38 and 46-49 have been canceled without prejudice.

An Election/Restriction Requirement dated 14 May 2003 has been received asserting that the present application contains claims directed to the following patentably distinct inventions:

- I. Claims 1-19, drawn to a spinal implant, classified in class 623, subclass 17.16.
- II. Claims 20-26, drawn to an assembly for non-linear insertion of a spinal implant, classified in class 606, subclass 86.
- III. Claims 27-38, drawn to a surgical instrument, classified in class 606, subclass 53.
- IV. Claims 39-49, drawn to a method for inserting an implant in a spinal disc space, classified in class 606, subclass 99.

The invention of Group IV, claims 39-49 is hereby elected without traverse.

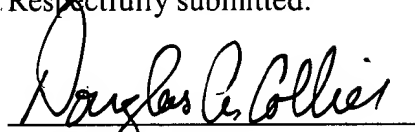
The Election/Restriction Requirement further indicated that the application contains claims directed to the following patentably distinct species:

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|--------------------|------------------------|
| A. Figs 1-3 | B. Figs. 4, 5(a) and 6 |
| C. Figs. 7-9 | D. Fig. 6 |
| E. Figs. 37 and 39 | E. Figs. 40-44 |
| G. Fig. 48 | H. Fig. 49 |

Species E, Figs. 37 and 39 is hereby elected without traverse. The remaining pending original claims 39-45 are readable on species E. Furthermore, new claims 50-85 are

directed to invention IV and are readable on the elected species. Examination of pending claims 39-45 and 50-85 is respectfully requested.

Respectfully submitted:

A handwritten signature in cursive script, reading "Douglas A. Collier", written over a horizontal line.

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